

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

NORMAN E. LACEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 3:06-CV-1145-MEF
)	
CITY OF AUBURN,)	
)	
Defendant.)	

JURY VOIR DIRE

COMES NOW the Defendant City of Auburn and requests the Court propound the following voir dire:

1. Does any member of the venire know or are you related to the Plaintiff Norman Lacey.
2. Does any member know or are you related to either of the attorneys who represent Plaintiff: Roderick E. Cooks and Lee David Winston, from Birmingham, Alabama?
3. Does any member of the venire know or have you been represented by the law firm Winston Cooks, LLC and/or any other attorney in that firm?
4. Does any member of the venire know of any reason that you could not fairly judge a case in which the Defendant is the City of Auburn?
5. Does any member of the venire know of any reason that you could not fairly judge a case in which employment discrimination was the allegation?
6. Does any member of the venire or immediate family know any of the

following individuals:

- Kathy Bullard
- Scott Cummings
- Eric Carson
- Mikel Thompson
- Charles Howard
- Jill Holland
- Derek Godfrey
- Kyle Hildreath
- Steven A. Reeves
- Rick McCarty
- Joseph Eckhart
- Martin Squiers
- Stephen Kukla
- Earline Cobb
- Nell Greer
- Mayor Austin Caldwell
- Michelle Wall
- Brian Cook
- Paula Brian
- Norman Lacey

7. Is any member of the venire an employee of or does business with the

City of Auburn?

8. Does any member of the venire feel that he or she could not fairly judge a case in which plaintiff is an individual and the defendant is a municipality?

9. If you have been in a lawsuit, who represented you?

10. Has any member of the venire or immediate family member ever made a claim against an employer?

11. Has any member of the venire or immediate family member ever consulted with an attorney about making a claim or possibly filing a lawsuit against an employer even if you did not ultimately file the claim.

12. Has any member of the venire or immediate family member ever filed an EEOC charge against their employer for any form of discrimination?

13. Has any member of the venire or immediate family members ever been in a situation at work where they believed they were treated differently because of their age?

14. Has any member of the venire or immediate family members ever believed they were treated differently by their employer because of their sex, race, religion, or national original?

15. Has any member of the venire ever supervised individuals?

16. Has any member of the venire ever participated in an interview committee where the committee was making the decision about who to hire or promote into a particular job?

17. Has any member of the venire ever been accused of discrimination after taking part in a decision regarding a promotion?

18. Has any member of the venire ever been accused of discrimination in

regards to how they disciplined or recommended discipline or termination for an employee?

19. Has any member of the venire ever worked with a difficult or problem employee in the work place?

20. Is any member of the venire a member of any type of union or have you ever been a member of the union in the past?

21. Has any member of the venire ever served as a witness in any matter involving a work place dispute in which discrimination was alleged?

22. Is there anything about a case that involves allegations of age discrimination that affects your ability to sit as a fair and impartial juror?

23. Do you have a friend or family member who believes that he or she has been the victim of discrimination in an employment situation? (If so, please explain who and the context of the situation).

24. Have any member of the venire ever been denied a job that you applied for after the age of 50?

25. Has any member of the venire ever served on a jury that returned a verdict in favor of the Plaintiff? If yes, what was the case about?

26. Has any member of the venire ever served on a jury that returned a verdict in favor of the Defendant? If yes, what was the case about?

27. Is anyone on the venire related to anyone else on the jury panel? Do you know anyone else on the jury panel?

28. Is there any member of the venire who feels that because a plaintiff filed a lawsuit that they are automatically entitled to recover money?

29. Does any member of the venire understand the burden of proof in this case rests upon Plaintiff and the mere fact a person has been injured is not presumptive of any wrongdoing by the Defendant.

30. Does any member of the venire have a family member or close friend who is employed outside the United States?

IF THE CITY'S MOTION IN LIMINE IS NOT GRANTED IN REGARDS TO DISCLOSING TO THE JURY WHERE MR. LACEY IS PRESENTLY WORKING, THE FOLLOWING QUESTIONS ALSO NEED TO BE ASKED:

1. Does any member of the venire have a family member or close friend stationed in Iraq?

2. Does any member of the venire have a family member or close friend working for a contractor in Iraq?

3. Does any member of the venire feel that it would be difficult for them to fairly consider this case if there is evidence that the Plaintiff is presently working in Iraq, even if the Plaintiff voluntarily chose to go there?

Respectfully submitted this 11th day of April 2008.

City of Auburn, Defendant

By: Isl Randall Morgan
Randall Morgan [MORG8350]
Elizabeth Brannen Carter [3272-C38E]
Attorneys for Defendant City of Auburn

OF COUNSEL:

Hill, Hill, Carter, Franco,
Cole & Black, P.C.
425 South Perry Street
Montgomery, Alabama 36104
334-834-7600
334-263-5969 - Fax

CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of April, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

Roderick E. Cooks, Esq.
Winston Cooks, LLC
The Penick Building
319 17th Street North
Birmingham, Alabama 35203

/s/ Randall Morgan
OF COUNSEL